

Aggravated Taking Without Owners' Consent - An Angry Victim

A 16 year old boy stole a camper-van and crashed it. The angry victim was dismissive about mediation but eventually agreed to meet the offender.

16 year old Terry was referred for a mediation assessment after being sentenced to a Community Rehabilitation Order for Aggravated Unlawful Taking of a Motor Vehicle. He was the youngest son in a fairly large family of high achievers. The family enjoyed a comfortable life-style in a favoured village just outside a small town and his parents could not understand Terry's behaviour. Terry had been with friends in town on a Saturday night and in the early hours of Sunday morning he had stolen a camper-van from outside a private home and attempted to drive it home. He lost control of the vehicle, swerved into a ditch and crashed into a tree. Terry had been hospitalised for several weeks. The experience had given him time to consider his position and analyse his own behaviour. When the mediator met him he was keen to enter the mediation process, but he did not want his parents to accompany him. His parents gave their consent. The mediator met the owner of the vehicle, Mr Johnson, at his business premises in the town. Mr Johnson was still furious, even though several months had elapsed since the offence. The police had given him information on the offender which, in the course of time, had been considerably exaggerated by the victim. At first Mr Johnson was dismissive about mediation, stressing how dangerous it would be, because he would not be able to control himself. However, he kept asking questions and the mediator decided that indirect mediation might be the best way of helping the two parties. Over a period of 6 weeks, the mediator made frequent short visits to the victim, giving new pieces of information from or about the offender on each visit, with the offender's family's permission. Finally, Mr Johnson decided that he wanted to meet the boy, even though he believed that he could never forgive him and would be unable to view him dispassionately. Despite that information, Terry and his family agreed to the meeting.

The mediator chose a safe environment for the meeting in an office equipped with a panic button and with a security guard on duty in the building. When Terry walked into the room Mr Johnson quickly got to his feet, went straight to him and shook his hand. Although the mediator had anticipated no real threat from Mr Johnson, she was surprised at the generosity of his

reaction. Mr Johnson congratulated Terry. He believed that very few boys would have had the courage to attend such a meeting. The pair talked for over an hour covering many topics and Mr Johnson felt that Terry's apologies were sincere. Mr Johnson explained how the loss of his van affected him and his family: he used it to collect goods from manufacturers and wholesalers, to make deliveries to customers and to take his wife and two young children on holidays. Their summer holiday had been cancelled because the van was a write-off and, due to the court case, there was an insurance hold-up. Terry offered to do whatever he could to make amends for the upset he had caused. Mr Johnson said he would consider the offer. Mr Johnson was keen to find out about Terry's life and what had caused him to offend. He was eager to give advice and help 'put him on the right track' in order to become a happier person and have a successful life. On a follow-up visit to the victim, Mr Johnson told the mediator that he had had time to reflect on his own feelings, the meeting and Terry's offer. He said that, following the offence, he had been outraged and he had, unwittingly, passed those feelings on to his two young children who were now very scared of the stranger who stole their camper-van. Mr Johnson felt guilty that his children were so fearful and wondered if Terry would be willing to write a letter to help reduce their anxiety. Terry was keen to help and gave much thought and time to the exercise. He enjoyed the company of his young nieces and nephews and thus was able to relate easily to young children. He suggested, as it was now close to Christmas, that he would like to enclose a present for each of them with the letter, if Mr Johnson agreed. Mr Johnson was pleased by the offer but insisted that any present should be of small financial value. During two sessions the mediator watched Terry compose and write the letter so that she would be able to guarantee to Mr Johnson that the letter was entirely his own work. Terry then went shopping with his girlfriend for age-appropriate gifts. The mediator collected the Christmas parcel and delivered it to Mr Johnson. On the final visit to him in January she discovered that he had read the letter to his children on Christmas Day and their reactions to it were splendid; they no longer felt he was a 'nasty man' and their fear had dissipated. The letter had been a complete success and the children had been delighted with their gifts. This case was extremely successful for the offender and the victims and they all verbally expressed their satisfaction with the outcomes. The offender believed that he had done all that he could to help the victims recover from the offence and, therefore, he felt a little less guilty and more able to contemplate a return to 'normal life'. He was surprised that the victim had been so kind to him at the mediation meeting and reflected often on the advice he had been given; the experience had helped him mature. The victim was pleased that a very negative experience had been neutralised by the mediation process and had

even turned (slightly) into a positive outcome. The offender's parents were proud that their son accepted full responsibility for the offence and were pleased that he was courageous enough to attend a mediation meeting. Consequently the relationship between the offender and his parents improved following the restorative intervention and this was a contributory factor in helping the offender to re-establish his position in the community and prevent any further offending.